amendments to the national and state constitutions authorizing the judiciary to pass on the constitutionality of acts of co-ordinate legislatures. It might be necessary to resubmit the Fourteenth Amendment to state legislatures whose legitimacy was not open to question. Attention should then be given to "senatorial courtesy," to presidential nominations and national party platforms, to tennis and kitchen cabinets and unofficial diplomatic agents, to presidential interference in industrial disputes, and to a number of other phenomena not mentioned in the Constitution and not foreseen by The Fathers. As soon as we were up to date, something might change and then we should have to begin again.

Mr. Black's philosophy is not rare. It finds its counterpart in a familiar and widely held attitude toward the common law. Nevertheless changes continue to make their way between the cracks which authenticated records leave open. On the whole it seems more useful to perceive the process and to guide or control it than to kick rhetorically against the pricks.

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ON JURISPRUDENCE AND THE CONFLICT OF LAWS. By Frederic Harrison. With annotations by A. H. F. Lefroy. Oxford: Clarendon Press. 1919. pp. 179.

This is a reprint, without material change, of two lectures given by Frederic Harrison in 1878 as Professor to the Inns of Court: followed by annotations of Professor Lefroy, consisting chiefly of extracts from English authors since 1879, and a translation from Bluntschli. The lectures are simple; one must remember that they are forty years old, and that legal education in England was then at its lowest ebb. The last two, especially, are elementary and sketchy; they consist of remarks concerning the nature and history of the Conflict of Laws. Professor Lefroy apparently knows too much of that subject to think them worth annotating.

The two lectures on Austin's theory of Sovereignty and of Law are on the other hand acute and valuable. His ingenious explanation of Austin's theory — that it is false, of course, in general, but true to a lawyer's limited experience — should shock a follower of that apostle of exactly defined truth. "If the sovereign be really sovereign, it will be able to compel its own law courts to enforce its own laws. Therefore, *to the lawyer, and for purposes of law*, the sovereign is unlimited." Of Austin's definition of law he says: "This is only one way of looking at law. It purposely drops out of view other very important sides of law. And, it is obvious, there are some cases in which it is so exceedingly one-sided, and requires so much qualification and explanation, that it would be actively misleading if taken by itself. In fact, neither Austin's account of law, nor that of sovereignty, is to be taken as a *definition* strictly." Yet, it will be remembered, these "accounts" were carefully elaborated by Austin to delimit the use of terms he believed usually misapplied.

It is the lecture on The Historical Method in which the distinguished Positivist is most happy. His creed is thus stated: "For the lawyer the great interest always must be what is the law as it is. How it has become what it is, is a very useful inquiry. But this will become positively confusing if the subordinate inquiry is ever allowed to stand on equal terms with the main inquiry — the law as it is, as it is at any given time." So wrote the God of Law as it Is in 1879; and he added that "we have special disadvantages in using the historical method, in law, inasmuch as we have not got a symmetrical jurisprudence of any kind to control and direct it." And he foresaw impending the Romanization and codification of our law. In the forty years that have elapsed this historical method, in the hands of Thayer, of Maitland, and of Ames, has saved our law

from Romanization, has so clarified it as to make codification appear needless, has received the adhesion of a whole generation of English scholars, and has finished its work in America, to be succeeded by the present conscious effort to adapt the law, thus explained, to actual life. Harrison could not see that it is neither the past nor the immediate present, but the future, which is the true object of study; and that while the present, an absolute factor, throws little light on impending changes, the tangential factors of the past alone can enable one to predict the changes of the future. The chief object of education must be, to enable one to live and work in the future with continually better adaptation to the new conditions. Education, therefore, must enable one not merely to fix the point of present attainment, but to plot the curve of progress.

And so, despite Harrison's philosophical belittling of the Historical Method, his book, now an historical document, really throws light on the future by way of the past. J. H. BEALE.

COUNTY ADMINISTRATION. By Chester C. Maxey. With an introduction by Charles A. Beard. New York: The Macmillan Company. 1919. pp. xxi, 203.

The title of this volume is apt to mislead the unwary. The book is not a study of county administration in general; it merely embodies the results of an inquiry made by the author into the county affairs of Delaware, a state which has only three counties in all. There are chapters on the existing county organization, on financial procedure, almshouses, highway administration, and so forth, with a statement of general conclusions at the end of the book.

Mr. Maxey's volume is the first of a series projected by the New York Bureau of Municipal Research with the particular object of releasing the study of actual government from "the bondage to legalistic tradition." Consequently it takes little account of laws, charters, or official reports, and devotes the bulk of its attention to data gathered from visits to county institutions and other "first-hand" information.

A study of this sort has its merits; also its limitations. Locally it may have considerable interest and value, but beyond the borders of Delaware it will not carry a great deal of enlightenment. We shall need a good many of these microscopic studies before we can safely generalize concerning the three thousand counties of the United States. W. B. MUNRO.

PRINCIPES DE DROIT PUBLIC. By Maurice Hauriou. Second Edition. Paris: Sirey. 1916. pp. xxxii, 828.

This is a treatise on the theory of the state. For about a quarter of a century French universities have offered examinations in this subject to students seeking degrees in political science. This is one of the books resulting from this rather artificial demand. As it is not prepared for the purpose of teaching international law, constitutional law, or administrative law, or even for the purpose of describing the French governmental machinery, it might be supposed to contain little matter of interest to lawyers, either American or French. Yet this would be a wrong conclusion. The author, professor of administrative law and dean of the law faculty in the University of Toulouse, has not been able to dissociate himself wholly from the lawyer's point of view. The phraseology is, to be sure, metaphysical, and the thought carries one back to those schoolmen who in the Middle Ages ornamented theology. On almost every page one finds allusions to realism, nominalism, personification, individualism, subjective personality, objective individuality, and similar words and concepts.